

GEORGE A. O'BAR, and JACOB A. PEARCE,

VS.

Defendant.

THIS MATTER is before the Court on Defendant's Motion for Summary Judgment (Doc. No. 32), Defendant's Memorandum of Law in Support of the Motion for Summary Judgment (Doc. No. 33), Plaintiffs' Response in Opposition to Defendant's Motion for Summary Judgment (Doc. No. 45), Defendant's Reply to Response to Motion for Summary Judgment (Doc. No. 47), Defendant's Supplemental Motion for Summary Judgment (Doc. No. 76), Defendant's Memorandum in Support of the Supplemental Motion for Summary Judgment (Doc. No. 77), Plaintiffs' Memorandum in Opposition to Defendant's Motion for Summary Judgment (Doc. No. 81), Defendant's Reply to Response to Motion for Summary Judgment (Doc. No. 87), and Plaintiffs' Memorandum in Opposition to Supplemental Motion for Summary Judgment (Doc. No. 88). For the reasons stated in the oral ruling issued in open court on December 22, 2006, the Court GRANTS IN PART and DENIES IN PART Defendant's Motion and Supplemental Motion for Summary Judgment.

-1-

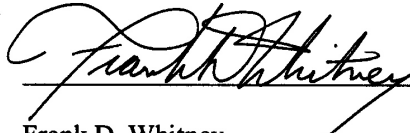
relevant authorities and arguments, discussing the issue of whether and to what extent Plaintiffs have standing to represent a class. These briefs are limited to twenty (20) pages and are to be submitted to the Court no later than January 12, 2007. Reply briefs will be permitted, but are limited to five (5) pages and must be submitted to the Court by January 19, 2007.

Finally, also before the Court is Plaintiffs' Motion to Seal Document Number 88 (Plaintiffs' Memorandum in Opposition to the Motion for Summary Judgment). The Court GRANTS Plaintiffs' Motion to Seal their Memorandum in Opposition to the Motion (Doc. No. 89).

IT IS THEREFORE ORDERED that Defendant's Motion for Summary Judgment (Doc. No. 32) and Defendant's Supplemental Motion for Summary Judgment (Doc. No. 76) are hereby GRANTED IN PART and DENIED IN PART. Plaintiffs' Motion to Seal Documents (Doc. No. 88) is GRANTED. The parties are DIRECTED to file their briefs on the issue of standing on or before January 12, 2007, with all responsive briefs to be submitted on or before January 19, 2007.

IT IS SO ORDERED.

Signed: January 3, 2007



Frank D. Whitney
United States District Judge

